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Resolution adopted by the General Assembly on 24 December 2017

[*without reference to a Main Committee (A/72/L.7 and A/72/L.7/Add.1)*]

72/249. International legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

The General Assembly,

Guided by the purposes and principles enshrined in the Charter of the United Nations,

Recalling its resolution 69/292 of 19 June 2015,

Taking note of the report of the Preparatory Committee established by General Assembly resolution 69/292: Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction,[1] and the recommendations contained therein,

1. *Decides* to convene an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee on the elements and to elaborate the text of an international legally binding instrument under the United Nations Convention on the Law of the Sea[2] on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, with a view to developing the instrument as soon as possible;

2. *Also decides* that negotiations shall address the topics identified in the package agreed in 2011, namely, the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas,

[1] A/AC.287/2017/PC.4/2.
[2] United Nations, *Treaty Series*, vol. 1833, No. 31363.

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environmental impact assessments and capacity-building and the transfer of marine technology;

3. *Further decides* that, initially with respect to 2018, 2019 and the first half of 2020, the conference shall meet for four sessions of a duration of 10 working days each, with the first session taking place in the second half of 2018, the second and third sessions taking place in 2019, and the fourth session taking place in the first half of 2020, and requests the Secretary-General to convene the first session of the conference from 4 to 17 September 2018;

4. *Decides* that the conference shall hold a three-day organizational meeting in New York, from 16 to 18 April 2018, to discuss organizational matters, including the process for the preparation of the zero draft of the instrument;

5. *Requests* the President of the General Assembly to undertake consultations, in an open and transparent manner, for the nomination of a President-designate or co-Presidents-designate of the conference;

6. *Reaffirms* that the work and results of the conference should be fully consistent with the provisions of the United Nations Convention on the Law of the Sea;

7. *Recognizes* that this process and its result should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies;

8. *Decides* that the conference shall be open to all States Members of the United Nations, members of the specialized agencies and parties to the Convention;

9. *Stresses* the need to ensure the widest possible and effective participation in the conference;

10. *Recognizes* that neither participation in the negotiations nor their outcome may affect the legal status of non-parties to the Convention or any other related agreements with regard to those instruments, or the legal status of parties to the Convention or any other related agreements with regard to those instruments;

11. *Decides* that, for the meetings of the conference, the participation rights of the international organization that is a party to the Convention shall be as in the Meeting of States Parties to the Convention and that this provision shall constitute no precedent for all meetings to which General Assembly resolution 65/276 of 3 May 2011 is applicable;

12. *Also decides* to invite to the conference representatives of organizations and other entities that have received a standing invitation from the General Assembly pursuant to its relevant resolutions to participate, in the capacity of observer, in its sessions and work, on the understanding that such representatives would participate in the conference in that capacity, and to invite, as observers to the conference, representatives of interested global and regional intergovernmental organizations and

other interested international bodies that were invited to participate in relevant conferences and summits;[3]

13. *Further decides* that attendance at the conference as observers will also be opened to relevant non-governmental organizations in consultative status with the Economic and Social Council in accordance with the provisions of Council resolution 1996/31 of 25 July 1996, as well as to those that were accredited to relevant conferences and summits,[4] on the understanding that participation means attending formal meetings, unless otherwise decided by the conference in specific situations, receiving copies of the official documents, making available their materials to delegates and addressing the meetings, through a limited number of their representatives, as appropriate;

14. *Decides* to invite associate members of regional commissions to participate in the work of the conference in the capacity of observer;

15. *Also decides* to invite representatives of relevant specialized agencies, as well as other organs, organizations, funds and programmes of the United Nations system as observers;

16. *Further decides* to forward the report of the Preparatory Committee to the conference;

17. *Decides* that the conference shall exhaust every effort in good faith to reach agreement on substantive matters by consensus;

18. *Also decides* that, except as provided for in paragraphs 17 and 19 of the present resolution, the rules relating to the procedure and the established practice of the General Assembly shall apply to the procedure of the conference unless otherwise agreed by the conference;

19. *Further decides* that, subject to paragraph 17, decisions of the conference on substantive matters shall be taken by a two-thirds majority of the representatives present and voting, before which, the presiding officer shall inform the conference that every effort to reach agreement by consensus has been exhausted;

20. *Recalls* its invitation to Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to make financial contributions to the voluntary trust

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[3] Reference is made to intergovernmental organizations and other international bodies that were invited to participate in the following relevant conferences and summits: The World Summit on Sustainable Development, the United Nations Conference on Sustainable Development and the previous United Nations conferences on sustainable development of small island developing States, held in Barbados, Mauritius and Samoa, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, the Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, as well as the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

[4] Reference is made to the non-governmental organizations that were accredited to the following relevant conferences and summits: The World Summit on Sustainable Development, the United Nations Conference on Sustainable Development and the previous United Nations conferences on sustainable development of small island developing States, held in Barbados, Mauritius and Samoa, as well as the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

[5] American Samoa, Anguilla, Aruba, Bermuda, the British Virgin Islands, the Cayman Islands, the Commonwealth of the Northern Mariana Islands, Curaçao, French Polynesia, Guam, Montserrat, New Caledonia, Puerto Rico, Sint Maarten, the Turks and Caicos Islands and the United States Virgin Islands.

fund established in resolution 69/292, and authorizes the Secretary-General to expand the assistance provided by this trust fund to include daily subsistence allowance in addition to defraying the costs of economy-class travel, limiting requests for assistance from this trust fund to one delegate per State for each session;

21. *Requests* the Secretary-General to appoint a Secretary-General of the conference to serve as focal point within the Secretariat for providing support to the organization of the conference;

22. *Also requests* the Secretary-General to provide the conference with the necessary assistance for the performance of its work, including secretariat services and the provision of essential background information and relevant documents, and to arrange for support to be provided by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat;

23. *Decides* to remain seized of the matter.

76th plenary meeting
24 December 2017